

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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CARMANITA GONZALES,

Plaintiff,

v.

Case No. 12-10724

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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**ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION**

*Pro se* Plaintiff Carmanita Gonzales moves for reconsideration of the court's order dismissing Plaintiff's complaint. The court adopted a report and recommendation issued by Magistrate Judge Mark A. Randon which concluded that Plaintiff's claim was barred by *res judicata* and that the complaint failed to state a claim.

A motion for reconsideration shall be granted only if the movant can (1) "demonstrate a palpable defect by which the court and the parties . . . have been misled," and (2) "show that correcting the defect will result in a different disposition of the case." E.D. Mich. LR 7.1(h)(3). "A 'palpable defect' is a defect that is obvious, clear, unmistakable, manifest, or plain." *United States v. Lockett*, 328 F. Supp. 2d 682, 684 (E.D. Mich. 2004). A motion for reconsideration that presents "the same issues ruled upon by the court, either expressly or by reasonable implication," will not be granted. E.D. Mich. LR 7.1(h)(3); *see also Czajkowski v. Tindall & Assocs., P.C.*, 967 F. Supp. 951, 952 (E.D. Mich. 1997).

Plaintiff does not identify a palpable defect. Instead, Plaintiff complains about opposing counsel's conduct during the litigation. Plaintiff claims that opposing counsel engaged in "brawl beating" by requesting extensions and "mailing documents [in] a catty and cheating fashion." (Dkt. # 19.) Plaintiff asserts that opposing counsel submitted a brief without an accompanying affidavit or any "proof" but does not specify to which brief she is referring. Plaintiff concludes that, as a *pro se* litigant, she is "entitled to at least one oral hearing and a different Judge upon request." (Dkt. # 19.) While Plaintiff is clearly dissatisfied with opposing counsel's conduct and the outcome of her case, she has not identified a palpable defect warranting reconsideration. Accordingly,

IT IS ORDERED that Plaintiff's motion for reconsideration [Dkt. # 19] is DENIED.

s/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: January 14, 2013

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, January 14, 2013, by electronic and/or ordinary mail.

s/Lisa Wagner  
Case Manager and Deputy Clerk  
(313) 234-5522